

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

FRANCIS J. LEARY, PRO SE,	§	
aka FRANCIS JOSEPH LEARY,	§	
aka FRANK LEARY,	§	
aka FRANK J. LEARY,	§	
aka JUSTIN HAYWARD,	§	
aka JOHN LODGE,	§	
aka FRANCIS JOSEPH LEARY, JR.,	§	
TDCJ-CID No. 1495334,	§	
CDC ID No. P-G2854,	§	
NYDC ID No. 92-T0086,	§	
CDC ID No. B-G5519,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:13-CV-0219
	§	
RICK THALER ET AL.,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff FRANCIS J. LEARY, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, originally filed suit pursuant to Title 42, United States Code, section 1983 complaining against six defendants employed or otherwise associated with the Texas Department of Criminal Justice and has been granted permission to proceed *in forma pauperis*.

On November 20, 2013, the Magistrate Judge issued a Report and Recommendation analyzing plaintiff's claims and recommending dismissal with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted.

Plaintiff filed his Objections December 6, 2013.

By his Objections, plaintiff restates the allegations presented in his original complaint.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff.

The Court is of the opinion that plaintiff's objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.


IT IS THEREFORE ORDERED that the Civil Rights Complaint by FRANCIS J. LEARY is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 11th day of December, 2013.


MARY LOU ROBINSON
United States District Judge